

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LARRY LOUCIOUS,

**Defendant.**

Case No. 2:15-cr-00106-JAD-CWH

## ORDER

Before the Court is the Las Vegas Metropolitan Police Department’s (“LVMPD”) Motion to Quash (doc. # 54), filed September 22, 2015, and Defendant Larry Loucious’s (“defendant”) response (doc. # 55), filed October 2, 2015. The LVMPD did not file a reply.

In its motion, the LVMPD asks the Court to quash defendant's subpoena relating to item # 1, which requires the LVMPD to produce “[c]ertified copies of all communications involving any LVMPD officers and detectives requesting Wants and Warrants in Event Number 150328-3017.” Doc. # 54 at 2. The LVMPD explains that it cannot search for all “wants and warrants communications or inquiries” based on an event number, but must search using the inquiring officer’s name and personnel number, along with other information. *Id.* at 2-3. Because defendant has not provided the requisite information, the LVMPD concludes that it cannot conduct the search or provide the requested information. The LVMPD adds that defendant’s request appears to be a fishing expedition.

In response, defendant asserts that he has drafted a new subpoena containing information requested by the LVMPD.<sup>1</sup> Defendant also denies that his request is a fishing expedition. Defendant

<sup>1</sup> The new subpoena contains the following language: Please provide Certified copies of all communications inquiries and off-line searches conducted by any and all LVMPD officers and detectives requesting Wants and Warrants for Event Number 150328-3017 to include the following officers and detectives: Ochoa P#1815, Sherwood P#9979, Davis

1 therefore asks the Court to require the LVMPD to provide the information requested. The LVMPD  
2 did not file a reply.

3 In response to a properly filed motion, Rule 17 of the Federal Rules of Criminal Procedure  
4 allows the Court to "quash or modify a subpoena if compliance would be unreasonable or oppressive."  
5 Fed.R.Crim.P.17(c)(2). Enforcement of a pretrial subpoena is subject to this Court's discretion.  
6 United States v. Nixon, 418 U.S. 683, 702 (1974).

7 In this case, defendant has drafted a new subpoena relating to item # 1, which the LVMPD does  
8 not oppose. A review of the new subpoena also reveals that it now contains specific information that  
9 would allow the LVMPD to provide the requested information. As such, this Court denies the instant  
10 motion.

11 Accordingly, **IT IS HEREBY ORDERED** that the LVMPD's Motion to Quash (doc. # 54)  
12 is **denied**. The LVMPD is directed to comply with defendant's new subpoena and shall have until  
13 **October 21, 2015** to produce the requested information.

14 DATED: October 14, 2015

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17 C.W. Hoffman, Jr.  
18 United States Magistrate Judge  
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25 P# 13944, Szegedi P#8295, King P# 8467, Schnuelle P#14456, McPhail, P# 3326, Costello P#9139, Berg P#7201, Beal  
26 P#10149, Raschke P#4899, Reese P#7192, for Larry (Larey) Loucious (DOB: 2/1/92, SSN: 530-65-0129, ID:2761481),  
Monique Headspeth (DOB: 5/24/89; SSN: 602-32-5978, ID:6020426), Marqual Washington (DOB:5/13/92, SSN: 530-67-  
5121, ID:2855428) and Damorian Turner (DOB: 1/25/93, SSN: 417-41-0447, 10:2841840) and for the following vehicle:  
27 2008 Jeep Commander CA Lie #7 JFS250 starting March 28, 2015 at 3:30pm and ending at 5:00am on March 29, 2015.

28 In lieu of appearance this subpoena may be complied with by delivering the requested information to any authorized  
representative of the Federal Public Defender Office, District of Nevada, by Friday, October 15, 2015. If you have any  
questions regarding this subpoena please contact Brenda Weksler, AFPD, or Tomika Harris, Investigator at (702) 388-6577.  
Please contact Investigator Harris at (702) 388-5166, when records are ready for pick up.